



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,685	11/10/2005	Kevin Charles Mulvey	020305-004003	3678
34313 7590 04/23/2009 ORRICK, HERRINGTON & SUTCLIFFE, LLP IP PROSECUTION DEPARTMENT 4 PARK PLAZA SUITE 1600 IRVINE, CA 92614-2558				
EXAMINER BEAUCHAINE, MARK J				
ART UNIT 3653		PAPER NUMBER		
MAIL DATE 04/23/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,685

Applicant(s)

MULVEY, KEVIN CHARLES

Examiner

MARK J. BEAUCHAINE

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-15 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-15 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Withdrawal of Finality

Receipt of the Applicant's amendment dated 13 March 2009 that is in response to final Office action dated 16 January 2009 is acknowledged. After further consideration, claims 1, 2, 6-15 and 19-26 pending in the instant application are subject to new grounds of rejection. Accordingly, finality of said final Office action is hereby withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6-9, 12-15, 17, 19-22, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 5,564,548 by Dobbins et al ("Dobbins") in view of Patent Number 5,687,830 by Hayes et al ("Hayes"). The money acceptor disclosed by Dobbins is configured to detect a fraud attack (see column 2, lines 11-28) and is operated by performing step 502 of generating individual money item signals X1, X2, . . . Xm with a value that is a function of respective items of money under test via sensing circuit 20 (see Figure 5; column 3, lines 51-67; and column 8, line 63 through column 9, line 5), and step 504 of developing for each of said money items

under test via processor 35, transformed money item signals (indicated as delta 1 through delta m) which are a function of the value of said money item signal X1 and variable parameter Cntr1, and are according to the outcome of rule based expert system 35. Said variable parameter Cntr1 is a function of an acceptability criterion/history data for said money item under test, and is variable due to the variability of the relative vector V (see column 8, lines 38-51).

Dobbins further discloses step 506 of making a comparison of values of said transformed money item signals (delta 1 through delta m) with window upper and lower limit values (L1i and U1i through Lmi and Um), and accepting each money item independence with said comparison (see column 9, lines 6-12). Said limit values of money item signals are scaled based on comparing said limits with an average of previously tested money items (column 5, lines 27-66).

Dobbins fails to disclose said transformed money item signals being developed by a scaling process. Hayes teaches a method of accepting money items comprising transforming money item signal by scaling said signal in accordance with amplification factor AMP (see column 5, lines 15-45) for the purpose of enhancing the accuracy of coin validation of said money acceptor. Furthermore, different amplification factors are determined in dependence of different outcomes of comparison data of previously tested money items (see column 8, lines 22-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the signal development operation of Hayes into the money acceptor of Dobbins for the purpose of enhancing the accuracy of coin validation of said money acceptor.

Claims 10, 11, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbins in view of Hayes as applied to claims 1 and 14 above, and further in view of Patent Number US 6,311,820 B1 by Hallas Bell et al ("Bell"). Dobbins/Hayes fails to disclose the step of receiving data from an external source. Bell teaches a money acceptor that operates via the step of receiving data from source 22 that is external to said money acceptor (see Figure 5, column 7, line 62 through column 8, line 12, and column 11, lines 1-14) for the purpose of reconfiguring said acceptor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the external source configuration of Bell into the money acceptor of Dobbins/Hayes for the purpose of reconfiguring said acceptor.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 6-15 and 19-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK J. BEAUCHAINE whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653

mjb